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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 EBONE LEROY EAST, 1:11-cv-00249-SMS (PC)
12 Plaintiff, ORDER TRANSFERRING CASE TO THE
13 vs. NORTHERN DISTRICT OF CALIFORNIA
14 WALKENHORST,
15 Defendant.

17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to
18 42 U.S.C. § 1983. The federal venue statute requires that a civil action, other than one based on
19 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
20 defendants reside in the same state, (2) a judicial district in which a substantial part of the events or
21 omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of
22 the action is situated, or (3) a judicial district in which any defendant may be found, if there is no
23 district in which the action may otherwise be brought.” 28 U.S.C. § 1333(b).

24 In this case, none of the defendants reside in this district. The claim arose in Napa County,
25 which is in the Northern District of California. Therefore, plaintiff's claim should have been filed in
26 the United States District Court for the Northern District of California. In the interest of justice, a
27 federal court may transfer a complaint filed in the wrong district to the correct district. See 28
28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

1 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
2 District Court for the Northern District of California.

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4 IT IS SO ORDERED.

5 **Dated: February 15, 2011**

/s/ Sandra M. Snyder
6 UNITED STATES MAGISTRATE JUDGE

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